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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

11/20/2002

Office Action Summary

Application No.
09/672,523

Applicant(s)
Joseph et al.

Examiner
Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 4, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-43, 45-67, 246-253, 260-263, and 278-281 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-43, 45-67, 246-253, 260-263, and 278-281 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 13, 1 6) ☐ Other:

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DETAILED ACTION

1. Claims 10-43, 45-67, 246-253, 260-263, and 278-281 are presented for examination.

After careful consideration of Applicants arguments and amendment, the Examiner maintains the grounds of rejection of claims 10-43, 45-67, 246-253, 260-263, and 278-281 as set forth in detail below.

Response to Arguments

2. With respect to Applicant's arguments directed to the Oath/Declaration, Applicants arguments with respect to the Declaration containing a statement that all errors are being corrected in the reissue application without any deceptive intent is persuasive and therefore, the Examiner withdraws the objection to the declaration.

With respect to the objection that the declaration fails to identify at least one error as specified under 37 CFR 1.175(a)(1) and MPEP 1414, the Examiner finds Applicant's arguments persuasive and therefore, the Examiner withdraws the objection to the Declaration.

Finally, in light of Applicant's submission of a consent of Assignee to Reissue, the Examiner withdraws the objections to the Declaration. Therefore, all objections to the Declaration are withdrawn.

3. With respect to Applicants arguments to the Examiner's objections to the amendments to add new claims 246-357 to the reissue application without presenting the entire text of the claims

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that do not comply with 37 CFR 1.173, the Examiner refers Applicant's to the language of 37 CFR 1.173 and 37 CFR 1.121 (b). As noted in 37 CFR 1.121(b),

(b) Making amendments in a reissue application.

An amendment in a reissue application is made either by physically incorporating the changes into the specification when the application is filed, or by a separate amendment paper. If amendment is made by incorporation, markings pursuant to paragraph (d) of this section must be used. If amendment is made by an amendment paper, the paper must direct that specified changes be made.

Furthermore, MPEP 1453 sets forth the manner of presenting new claims (i.e. claims that were not found in the patent that are newly presented in the reissue application). Each new claim that is newly presented in the reissue application should be presented with underlining. Applicant failed to follow this procedure when Applicant submitted newly presented claims 246-357. Therefore, Applicant's arguments are deemed nonpersuasive and the Examiner maintains the objections related to Reissue formalities with respect to claims 246-357.

In light of Applicants arguments with respect to claims 10-243, the Examiner withdraws the objection to claims 10-243.

4. With respect to Applicant's arguments based on the 35 USC 251, the Examiner find Applicant's arguments persuasive and withdraws the grounds of rejection of claims 10-43, 45-67, 246-253, 260-263, and 278-281 based on 35 USC 251.

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5. In light of Applicant's amendments to the specification, the Examiner withdraws the objection to the specification.

6. In light of Applicants' arguments, the Examiner withdraws the rejection of claims 10-43, 45-67, 246-253, 260-263, and 278-281 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes that Applicants assert the language "enabling the user" found in the claims should be given its ordinary meaning (see Paper No. 14, page 21). Furthermore, Applicants assert that the meaning of the phrase "enabling the user" is "providing the user with the means, opportunity or capability to order the item". The Applicants assert that the claim language does not require an order to be placed.

In light of Applicant's amendment and arguments with respect to claims 10-43, 45-67, 246-253, 260-263, and 278-281, the Examiner withdraws the rejection of the claims based on 35 USC 112(2).

7. With respect to Applicant's arguments to the rejection of claims 10, 12, 15, 16, 21-26, 28, 33-36, 38, 40, 43, 51-54, 58, 60, 63-66, 260, 262, 263, 278, 279, 280, and 281 based on 35 U.S.C. 102, Applicants argue that the Florin reference does not disclose the "enabling the user to order the item by a single interaction with the client". The Examiner disagrees. The specification discloses three embodiments for enabling a user to order an item by a single interaction with the

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client. The first embodiment discloses (see col. 8, lines 34-51) the steps of a user who wishes to order an item pushing a button to signal the client to display instructions and menus to enable a user to order an item (action 1). The user responds to the instructions and menus by providing the required information (i.e. item number, name, address, credit card number, etc.)(action 2). The information is then transmitted by the client computer to the central computer (action 3). The second embodiment (col. 8, lines 52-60) modifies the first embodiment by appending stored name, address, credit card number, etc. information to the user inputted item number (action 2) and the information is then transmitted to the central computer (action 3). The third embodiment modifies the second embodiment by the client computer knowing which item is offered for sale (i.e the user does not have to input the item number) and the order is transmitted by clicking a single button on the transmitting remote control. Each of the embodiments requires at least two actions by the user with respect to the client device to enable the user to order an item. Furthermore, the first two embodiments require three actions by the user with the client to enable the user to order the item. Each of the embodiments describe a method whereby a user is enabled to order an item by a single interaction with a client. Florin, as admitted by Applicant (see Paper No. 14, pages 24-25), requires three actions by the user to enable a user to order an item which is encompassed within a single interaction with the client device which is no different than the first and second embodiment. Furthermore, all three embodiments described in the specification and the embodiment disclosed in Florin disclose that the order for an item is placed when the user transmits the order by pressing a button (i.e. the user orders the item by a single interaction with

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the client). Therefore, the three embodiments and the Florin reference all disclose the feature of “enabling the user to order the item by a single interaction with the client”. Therefore, Applicants arguments are deemed nonpersuasive and the Examiner maintains the grounds of rejection of claims 10, 12, 15, 16, 21-26, 28, 33-36, 38, 40, 43, 51-54, 58, 60, 63-66, 260, 262, 263, 278, 279, 280, and 281 based on 35 U.S.C. 102.

8. With respect to Applicants arguments directed to the rejection of claims rejected under 35 USC 103, Applicants argue that the rejected claims are all dependent on independent claims that include a limitation (i.e. enabling a user to order an item by a single interaction with a client) not disclosed by Florin and therefore, the dependent claims are allowable since the independent claims are allowable. The Examiner disagrees. As explained in paragraph 7 above, Florin discloses the limitation of “enabling a user to order an item by a single interaction with a client”. Therefore, since Applicant’s arguments with respect to the disclosure of Florin were nonpersuasive, Applicants arguments directed to the dependent claims rejected under 35 USC 103 are also deemed nonpersuasive.

Objections Related to Reissue Formalities

9. The amendment filed 12/20/2000 proposes amendments to add new claims 246-357 to the reissue application without presenting the entire text of the claims that do not comply with 37 CFR 1.173, which sets forth the manner of making amendments in reissue applications. Although

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the proposed amendments were not presented in the manner of making amendments as set forth by CFR 1.173, the Examiner considered all of Applicant's proposed amendments as if they had been presented in the proper manner. However, a supplemental paper correctly amending the reissue application is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

11. Claims 10, 12, 15, 16, 21-26, 28, 33-36, 38, 40, 43, 51-54, 58, 60, 63-66, 260, 262, 263, 278, 279, 280, and 281 are rejected under 35 U.S.C. 102(e) as being anticipated by Pat. No. 5,621,456, Florin et al (hereinafter Florin).

As to claim 10, Florin discloses a method of facilitating ordering an item using a distributed computing system including at least one client and at least one server, the method comprising (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7):

showing or describing an item to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7);

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enabling the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client, causing an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 12, Florin discloses the method of claim 10, wherein causing the order to be placed is achieved by using:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and

user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 15, Florin discloses the method of claim 10, wherein the distributed computing system is an interactive television system and wherein the showing or describing of the item is, at least in part, by television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 16, Florin discloses the method of claim 10, wherein the client includes an auxiliary data processor (unit 77) and a client computer (unit 62)(see Fig 2).

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As to claim 21, Florin discloses the method of claim 10, wherein the system further includes a central processing facility in communication with the server and wherein the method comprises:

sending information used in processing the order from the client to the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 22, Florin discloses the method of claim 10, further comprising: sending an order confirmation to the user to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

As to claim 23, Florin discloses the method of claim 21, further comprising: communicating information between the client and the server via the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 24, Florin discloses the method of claim 23, wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television

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or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 25, Florin discloses the method of claim 10 including receiving at the client data including;

- (a) information to show or describe the item via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 48 and col. 23, line 67 - col. 24, line 7); and
- (b) information to enable the user to order the item by the single interaction with the client (see Fig. 44-50, order button 409).

As to claim 26, Florin discloses the method of claim 25 wherein the data further includes an item identifier to identify the item (i.e. espresso and cappuccino maker)(Fig. 48)col. 24, lines 1-33).

As to claim 28, Florin discloses a method of facilitating ordering an item (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7), the method comprising:

providing a client with information to show and/or describe an item to a user (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7); and

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enabling the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 30, Florin discloses the method of claim 28, including receiving the order from the client, the order including:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and
user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 33, Florin discloses the method of claim 28, including providing the information in the form of a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 34, Florin discloses the method of claim 28 including communicating with a central processing facility and wherein the client sends the order to the central processing facility for receipt via a transceiver (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

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As to claim 35, Florin discloses the method of claim 34 wherein a telephone system acts as a central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 36, Florin discloses the method of claim 28 including providing an order confirmation to the client to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

As to claim 38, Florin discloses a computer system to order an item (i.e. audiovisual user interface for selecting and displaying cable television and other audio-visual programs as well as controlling various audiovisual devices and interactive services ... user's home to a central file server)(col. 2, lines 36-48, col. 7, lines 41-45, col. 11, lines 29-32 and col. 23, lines 63-66) the system comprising:

a data processing system to show or describe an item to a user (cable or telephone service provider transmits an interleaved data stream ... from a central file server on the digital channel to the transceiver ... selection of TV Shop service results in a continuous full motion video display of various paid for commercials or advertising programs)(col. 3, lines 2-8 and col. 23, line 67 - col. 24, line 2); and

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a client to enable the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409) and, in response to the single interaction, to cause an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 40, Florin discloses the system of claim 38, wherein the client is to place the order using:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and
user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

As to claim 43, Florin discloses the system of claim 38, wherein the distributed computing system is an interactive television system and wherein the showing and/or describing of the item by the data processing system is, at least in part, performed utilizing a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 49, Florin discloses the system of claim 38, including a central processing facility in communication with a server and wherein the client sends information used in processing to the central processing facility (i.e. cable or telephone service provider provides

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cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 51, Florin discloses the system of claim 49, wherein the central processing facility is to communicate information between the client and the server (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 52, Florin discloses the system of claim 51 wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1 and col. 8, lines 19-31).

As to claim 53, Florin discloses the system of claim 38 including a data receiver to receive data including:

information to show or describe the item via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7); and

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information to enable the user to order the item by a single interaction with the client (see Fig. 44-50, order button 409).

As to claim 58, Florin discloses a computer system to facilitate ordering an item (i.e. audiovisual user interface for selecting and displaying cable television and other audio-visual programs as well as controlling various audiovisual devices and interactive services ... from the user's home to a central file server)(col. 2, lines 36-48, col. 7, lines 41-45, col. 11, lines 29-32 and col. 23, lines 63-66, the system comprising:

a data source to provide a client with information to show or describe an item to a user (i.e. home shopping services ... a channel identified as TV SHOP)(col. 10, lines 59-62, col. 12, lines 32-37 and col. 23, lines 59-66); and

an information source to provide a client with information to enable the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 60, Florin discloses the system of claim 58, including a data receiver to receive the order from the client, the order including:

information related to the item (see Fig. 45-50, and col. 24, lines 33-53); and

user related personal information (i.e. personal identification number)(col. 24, lines 33-53).

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As to claim 63, Florin discloses the system of claim 58, wherein the data source is to provide the information in the form of a television signal (i.e. TV Shop is presented as a television channel)(col. 23, lines 59-67).

As to claim 64, Florin discloses the system of claim 58 including a data transceiver to communicate with a central processing facility and wherein the client sends the order to the central processing facility for receipt via the data transceiver (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

As to claim 65, Florin discloses the system of claim 64 wherein a telephone system acts as the central processing facility (i.e. cable or telephone service provider provides cable television or telephone services over a T/T cable to a plurality of users coupled to the cable or telephone system)(see Fig. 1, transceiver 54 and col. 8, lines 19-31).

As to claim 66, Florin discloses the system of claim 58 wherein the data source is to provide an order confirmation to the client to confirm the order (i.e. a confirmation of the order along with a delivery time is displayed to the user)(col. 24, lines 53-58).

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As to claim 260, Florin discloses a machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item within a distributed computing system including at least one client and at least one server (i.e. home shopping interface)(see Fig. 1, col. 7, lines 41-45 and col. 23, line 59 - col. 24, line 7) by:

showing or describing an item to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7);

enabling the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client, causing an order for the item to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 262, Florin discloses the machine-readable medium of claim 260, wherein the medium comprises a mass storage device(i.e. central file server)(Fig. 1 and col. 3, lines 2-8).

As to claim 263, Florin discloses a machine-readable medium embodying a sequence of instructions that, when executed by a machine, cause the machine to facilitating ordering an item (i.e. home shopping interface)(see Fig. 1, col. 7, lines 41-45 and col. 23, line 59 - col. 24, line 7) by:

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providing a client with information to show and describe an item to a user; (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 1 and Fig. 44-50 and col. 23, line 67 - col. 24, line 7) and

enabling the user to order the item by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 278, Florin discloses a method of facilitating ordering using a distributed computing system including at least one client and at least one server (i.e. home shopping interface)(see Fig. 1, and col. 23, line 59 - col. 24, line 7), the method comprising;

showing or describing an offering to a user via the client (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7;

enabling the user to order the offering by a single interaction with the client (see Fig. 45-50, order button 409); and

in response to the single interaction with the client causing an order related to the offering to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 279, Florin discloses a method comprising;

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providing a client with information to show or describe an offering to a user (i.e. full motion video display of various paid for commercials or advertising messages)(see Fig. 44-50 and col. 23, line 67 - col. 24, line 7; and

enabling the user to order the offering by a single interaction with a client (see Fig. 45-50, order button 409).

As to claim 280, Florin discloses a computer system comprising:

a data processing system to show or describe an offering to a user (cable or telephone service provider transmits an interleaved data stream ... from a central file server on the digital channel to the transceiver ... selection of TV Shop service results in a continuous full motion video display of various paid for commercials or advertising programs)(col. 3, lines 2-8 and col. 23, line 67 - col. 24, line 2); and

a client to enable the user to order the item by a single interaction with the client (see Fig. 45-50, order button 409) and, in response to the single interaction, to cause an order for the offering to be placed (i.e. select button is depressed to order the product)(col. 24, lines 39-53).

As to claim 281, Florin discloses a computer system comprising:

a data source to provide a client with information to show and/or describe in offering to a user (i.e. home shopping services ... a channel identified as TV SHOP)(col. 10, lines 59-62, col. 12, lines 32-37 and col. 23, lines 59-66; and

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an information source to provide a client with information to enable the user to order the offering by a single interaction with a client (see Fig. 45-50, order button 409).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 11, 29, 39, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 10, 28, 38, and 58 above, and further in view of Zachary et al., "Technology: HP is building Gadget to Make TVs Interactive" (hereinafter Zachary).

As to claim 11, Florin does not explicitly disclose the method of claim 10, wherein the single interaction is one of the group including:

selecting of a single button; and

pressing of a single button on a TV remote control.

However, Zachary discloses an interactive TV system including a TV control box and a remote controller so that a home user can shop (see abstract and page 1). While shopping on the interactive TV system, a user can press the remote controller to place an order for a product (see abstract and page 2). It would have been obvious to one of ordinary skill in the art at the time of

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Applicant's invention to include the method of claim 10, wherein the single interaction is one of the group including selecting of a single button and pressing of a single button on a TV remote control as disclosed by Zachary within Florin in order to make it easier for customer to make a purchase after watching an ad (see page 2, paragraph 9).

As to claims 29, 39, and 59, the claims are similar in scope to claim 11 and are rejected for the same reasons.

14. Claims are 13, 14, 17, 31, 32, 41, 42, 45, 61, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 12, 30, 40, and 60 above, and further in view of Pires, Pat. No. 4,163,255.

As to claim 13, Florin does not explicitly disclose the method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in client memory (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the client (i.e. decoder) to the central computer (col. 4, lines 46-52).

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Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the personal information includes at least one of the group including a user's name, address, method of payment and payment account number as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claim 14, Florin does not explicitly disclose the method of claim 12, wherein the personal information is stored in memory in the client.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in client memory (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the client (i.e. decoder) to the central computer (col. 4, lines 46-52).

Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a

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customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the personal information is stored in memory in the client as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claim 17, Florin does not explicitly disclose the method of claim 12, wherein the client is associated with at least a set top box, and wherein the personal information is stored at the set top box.

However, Pires discloses a billing method for a subscriber of a pay television system (see abstract). Pires further discloses storing a customer identifier in a set top box (i.e. decoder) along with order information including a program identifier to identify the program being ordered (col. 3, lines 27-33 and col. 4, lines 5-18 and lines 46-52). The customer and program identifiers are then transmitted from the set top box (i.e. decoder) to the central computer (col. 4, lines 46-52).

Although Pires does not disclose the personal information includes at least one of the group including user's name, address, method of payment and payment account number, Pires does transmit the customer identifier which identifies the customer ordering the item. Transmitting a customer identification number is equivalent to providing the user's name since both means identify the user submitting the order. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 12, wherein the client is

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associated with at least a set top box, and wherein the personal information is stored at the set top box as disclosed by Pires within Florin in order to furnish a billing system which is reliable and operates with a minimum of user effort (col. 1, lines 32-36).

As to claims 31, 32, 41, 42, 45, 61, and 62, the claims are similar in scope to claims 13, 14, and 17 and the claims are rejected for the same reasons.

15. Claims 37, 54, 55, 67 and 246-253 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claims 25, 28, 53, and 58 above, and further in view of Harvey et al., Pat. No. 4,965,825 (hereinafter Harvey).

As to claim 246, Florin does not explicitly disclose the method of claim 25 wherein the information to enable includes code executable by the client to enable the user to order the item by the single interaction with the client.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control

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of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41).

Furthermore, Harvey discloses an using the interactive television system to allow users to order

items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the

information that you see here on your screen...the ingredients you need for your recipe will be

delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 5, line 61 -68). It would

have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

the method of claim 25 wherein the information to enable includes code executable by the client

to enable the user to order the item by the single interaction with the client as taught by Harvey

within Florin in order to transmit data and control instructions in the same datastream (i.e.

information stream) to many different clients (i.e. different apparatus at subscriber stations)and

transmit standardized programming that is simple for users to play and understand (col. 6, lines

43-63).

As to claim 247, Florin does not explicitly disclose the method of claim 25 wherein the information to enable includes data to be processed by code executable by the client to enable the user to order the item by the single interaction with the client.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that

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control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41). Furthermore, Harvey discloses an using the interactive television system to allow users to order items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the information that you see here on your screen...the ingredients you need for your recipe will be delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 15 and line 61 -68). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 25 wherein the information to enable includes data to be processed by code executable by the client to enable the user to order the item by the single interaction with the client as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claims 248-253, the claims are similar in scope to claims 246 and 247 and are rejected for the same reasons.

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As to claim 37, Florin does not explicitly disclose the method of claim 248 including multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client.

However, Harvey discloses multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client (i.e. the present invention has the capacity for transmitting data and control instructions in the same information stream to many different apparatus at a given subscriber station)(col. 6, lines 49-63, col. 22, lines 62-65 and col. 23, lines 15-44). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 248 including multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claim 54, Florin does not explicitly disclose the system of claim 53 wherein the data receiver includes an auxiliary data extractor to extract the information to show and/or describe from the data and a packet data extractor to extract the information to enable from the data.

However, Harvey discloses multiplexing, the provision of the information and the code to the client to thereby generate data for transmission to the client (i.e. the present invention has the

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capacity for transmitting data and control instructions in the same information stream to many different apparatus at a given subscriber station)(col. 6, lines 49-63, col. 22, lines 62-65 and col. 23, lines 15-44). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of claim 53 wherein the data receiver includes an auxiliary data extractor to extract the information to show and/or describe from the data and a packet data extractor to extract the information to enable from the data as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

As to claim 55, the claim is similar in scope to claim 54 and is rejected for the same reasons.

As to claim 67, the claim is similar in scope to claim 37 and is rejected on the same basis.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim 26 above, and further in view of Harvey.

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As to claim 27, Florin does not explicitly disclose the method of claim 26 wherein the item identifier includes any one of a group of identifiers including a code and a command.

However, Harvey discloses an interactive television system where a central broadcast location includes signals carrying commands, executable code (i.e. control instructions) and data and transmits the signal for receipt by computer systems at viewer locations (col. 6, lines 43-62 and col. 13, line 54- col. 14, line 8). The transmitted signals contain control instructions that control the client computer (instructions are addressed to and control the microcomputer 205 of each subscriber station)(col. 12, lines 47-57). The user can then input information under control of signals embedded in the transmitted datastream (i.e. broadcast signal)(col. 13, lines 31-41).

Furthermore, Harvey discloses an using the interactive television system to allow users to order items (i.e. Or if you enter on your Widget Signal Generator TV568* and Local Input the information that you see here on your screen...the ingredients you need for your recipe will be delivered in time for dinner tomorrow.)(col. 280, line 58-vol. 281, line 15 and line 61 -68). It

would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 26 wherein the item identifier includes any one of a group of identifiers including a code and a command as taught by Harvey within Florin in order to transmit data and control instructions in the same datastream (i.e. information stream) to many different clients (i.e. different apparatus at subscriber stations) and transmit standardized programming that is simple for users to play and understand (col. 6, lines 43-63).

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17. Claim 261 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim 260 above, and further in view of Harvey.

As to claim 261, the claim is similar in scope to claim 37 and is rejected for the same reasons.

18. Claims 18-20 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin as applied to claim s 10 and 38 above, and further in view of Mustafa et al., Pat. No. 4,789,895 (hereinafter Mustafa).

As to claim 18, Florin does not explicitly disclose the method of claim 17, wherein the set top box is in communication with a local computer and associated storage and wherein the method further comprises:

the client retrieving information from one or more of the local computer and the associated storage.

However, Mustafa discloses the set top box (unit 33) is in communication with a local computer and associated storage and wherein the method further comprises the client retrieving information from one or more of the local computer and the associated storage (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the set top box is in communication with a local computer and associated storage and wherein the method further comprises the client retrieving information from one or more of the local computer and the

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associated storage as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claim 19, the method of claim 18, wherein the method further comprises:
controlling the client by means of the local computer.

However, Mustafa discloses the set top box (unit 33) is in communication with a local computer and associated storage and the client retrieves information from one or more of the local computer (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the method of claim 18, wherein the method further comprises controlling the client by means of the local computer as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claim 20, Florin does not explicitly disclose the method of claim 18, wherein the local computer is part of a local area network.

However, Mustafa discloses the method of claim 18, wherein the local computer is part of a local area network (see Fig. 1, col. 3, lines 12-20, col. 4, lines 3-20, and col. 6, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

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include the method of claim 18, wherein the local computer is part of a local area network as taught by Mustafa within Florin in order to synchronize a datastream sent from a central facility to a terminal in an interactive television system so that many users can initiate and interact with programs and services at different times (col. 2, lines 21-32).

As to claims 46-48, the claims are similar in scope to claims 18-20 and are rejected on the same basis.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reached the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski

AK

11/15/2002

Joseph Thomas
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